

Notice of Allowability

Application No.

10/533,186

Applicant(s)

CARTER, RODNEY

Examiner

Douglas J. Theisen

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment dated 20 January 2006.
2. ☒ The allowed claim(s) is/are 23-42.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 072705
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 121807
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas M. Wozny on 18 December 2007.

The application has been amended as follows: In claim 42, line 7 change "said method" to "a method".

2. The following is an examiner's statement of reasons for allowance: The reasons for allowance are that the closest prior art, WO 01/48419 A1 to Muller, describes a method and apparatus including a tank installation for a volatile liquid wherein there is an ullage space above the liquid in the tank in which said ullage space vapour collects, said tank installation having a fill-pipe for the introduction of volatile liquid into the tank, said fill-pipe having an exit which is normally within said liquid in the tank, and a vapour recovery system for use during filling of the tank to recover vapour displaced from said ullage space, said vapour recovery system comprising restriction means within the fill-pipe defining a region of the fill-pipe of reduced cross-sectional area whereby in-flow of liquid along the fill-pipe into the tank results in a reduced static pressure in said region. The closest prior art does not describe the above in combination with applicant's features of a duct extending from said region of reduced cross-sectional area through the fill-pipe

to open into said ullage space above the liquid in the tank and a normally closed valve assembly associated with the duct which valve assembly normally closes off communication through the duct between said region of reduced cross-sectional area and said ullage space, said valve being opened by in-flow of liquid along the fill-pipe into the tank, such that vapour in the ullage space is drawn from the ullage space along the duct by the reduced static pressure in the region of reduced cross-sectional area of the fill-pipe. The closest prior art does not describe the above in combination with applicant's method features of drawing the vapour along a duct entering the fill-pipe so as to communicate between the ullage space and the region of reduced cross-sectional area, by virtue of the reduced static pressure at said region and normally closing-off said communication of the ullage space with the region of reduced cross-sectional area by a normally-closed valve assembly associated with the duct, which valve assembly is opened by the in-flow of liquid along the fill-pipe into the tank during the filling thereof, such that the reduced static pressure in the region of reduced cross-sectional area during filling of the tank draws vapour from the ullage space in the tank into the opened duct to be entrained in the in-flowing liquid.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. Theisen whose telephone number is 571-272-1168. The examiner can normally be reached on Monday, Tuesday, and Wednesday 6:30 until 4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

djt

DUANE SMITH
PRIMARY EXAMINER


12-18-07